

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB169)

Received: 03/28/2005

Received By: agary

Wanted: Soon

Identical to LRB:

For: Karl Van Roy (608) 266-0616

By/Representing: Tanya Hein (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: **Transportation - highways**
Transportation - motor vehicles
Transportation - traffic laws

Extra Copies: PJH

Submit via email: YES

Requester's email: Rep.VanRoy@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Double-decked buses; various changes but not height

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 03/28/2005	lkunkel 03/28/2005		_____			
/1			jfrantze 03/29/2005	_____	mbarman 03/29/2005	mbarman 03/29/2005	

FE Sent For:

<END>

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/?	agary	1 lmk 3/28	3/29	Jo/RS 3/29			

FE Sent For:

<END>

Gary, Aaron

From: Hein, Tanya
Sent: Monday, March 28, 2005 9:40 AM
To: Gary, Aaron
Subject: FW: AB 169, Double-decked Buses

Please leave out the language about TREES. I made a mistake on number 3. Sorry.

Tanya R. Hein

Legislative Aide

~~~~~  
State Representative Karl Van Roy  
123 West, State Capitol  
P.O. Box 8953  
Madison, WI 53708  
Tel: 608-266-0616  
Fax: 608-282-3690

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**From:** Gary, Aaron  
**Sent:** Monday, March 28, 2005 9:21 AM  
**To:** Hein, Tanya  
**Subject:** RE: AB 169, Double-decked Buses

I'll be working on it today and hopefully can get it through editing and to you quickly.

Aaron R. Gary  
Legislative Attorney  
Legislative Reference Bureau  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

-----Original Message-----

**From:** Hein, Tanya  
**Sent:** Monday, March 28, 2005 8:49 AM  
**To:** Gary, Aaron  
**Subject:** RE: AB 169, Double-decked Buses

The current plan is for Tuesday April 5th. We do need time for DOT to look at the draft and possibly hold another meeting to work out more changes. Hopefully, this will be enough though.

**Tanya R. Hein**

Legislative Aide

~~~~~  
State Representative Karl Van Roy
123 West, State Capitol
P.O. Box 8953
Madison, WI 53708
Tel: 608-266-0616
Fax: 608-282-3690

From: Gary, Aaron
Sent: Friday, March 25, 2005 2:15 PM

To: Hein, Tanya
Subject: RE: AB 169, Double-decked Buses

When do you expect it to be taken up on the floor?

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

-----Original Message-----

From: Hein, Tanya
Sent: Friday, March 25, 2005 1:58 PM
To: Gary, Aaron
Subject: FW: AB 169, Double-decked Buses
Importance: High

Aaron,

We need to amend our bill. It will be an amendment submitted on the Assembly floor. It's your call as to whether it should be a simple or a substitute.

The following are changes requested by DOT.

1) ADD: Double-decked buses cannot be operated on state trunk highways, as defined in Wis. Stat. section 340.01(60). [Note that this definition excludes connecting highways. In other words, the bus WOULD be able to be operated on connecting highways. This is in addition to the 45 mph language and 14'5" language.]

2) CHANGE: The operator of a double-decked bus must obtain preapproval of the route by the officer responsible for maintaining the highways and local roads over which movement will occur. Preapproval of the route includes ensuring that the double-decked bus will clear all overhead structures and obstructions, including utility lines, by at least 6 inches. (delete current language about coordinating with the offer in charge and insert this instead.)

3) CHANGE: The operator of a double-decked bus accepts liability for both personal injury and property damage resulting from striking any overhead structure or obstruction, including trees and utility lines, regardless of whether it is on the approved route. (delete current language about liability and insert this instead.)

I would like another amendment identical to this one with the changes above, however, I would like the height changed to 14'3". In other words, I would like TWO amendments: one with all the changes but leave the height at 14'5", and one with all the changes but also change the height to 14'3".

I need these amendments ASAP because DOT needs to look at them and we are planning on a floor vote in one week. Thanks so much for your help!

Please call me if you have any questions. Thanks.

Tanya R. Hein
Legislative Aide

~~~~~  
State Representative Karl Van Roy  
123 West, State Capitol  
P.O. Box 8953  
Madison, WI 53708  
Tel: 608-266-0616  
Fax: 608-282-3690

in 3/28

Wanted  
by 3/30  
AM

LRB-1264/1

ARG:lmk:pg

keep ↑

50061/1  
RM NR

Substitute Amendment,  
TO 2005 ASSEMBLY BILL 169

March 3, 2005 - Introduced by Representatives VAN ROY, KRAWCZYK, GARD, PETTIS, GRONEMUS, NELSON, PETROWSKI, MONTGOMERY, HAHN, BALLWEG, MCCORMICK, OWENS, GUNDERSON, ALBERS, F LASEE and TOWNSEND, cosponsored by Senators COWLES, A. LASEE, HANSEN, REYNOLDS and GROTHMAN. Referred to Committee on Highway Safety.

Re Gen

- 1 AN ACT to amend 194.32 and 348.06 (1); and to create 348.01 (2) (at) and 348.06
- 2 (2m) of the statutes; relating to: operation of double-decked buses on
- 3 highways.

certain

**Analysis by the Legislative Reference Bureau**

Current law prohibits the operation on public highways of interurban motor buses that are double-decked. "Double-decked" means that passengers are carried on an upper level throughout the length of the bus over passengers on a lower level throughout the length of the bus.

This bill limits the complete prohibition on operation of double-decked motor buses to those of an open-roof design.

Current law also imposes size, weight, and load limits on vehicles that travel on the highways. DOT and local authorities may issue certain permits authorizing the permittee to operate a vehicle that exceeds these limits on vehicle size, weight, or load. No person, without a permit, may operate on a highway any motor vehicle having an overall height in excess of 13 feet 6 inches.

This bill creates an exception to the general vehicle height limitation if certain conditions are satisfied. Under the bill, double-decked buses with a closed-roof design having an overall height not exceeding 14 feet 5 inches may be operated without a permit for excessive height upon a highway that has a speed limit of 45 miles per hour or less if the vehicle operator has coordinated with the agency or officer in charge of maintenance of the highway on any highway of the vehicle's proposed route to ensure that there is adequate height clearance for the vehicle on

LRS: Use 3x  
substitute amendment

insert  
ANAL

**ASSEMBLY BILL 169**

all parts of the proposed route. The owner of any double-decked bus exceeding the general height limit of 13 feet 6 inches is liable to the maintaining authority for any damage to any highway or overhead structure or device above the highway caused by the height of the double-decked bus, regardless of whether the double-decked bus is operated in compliance with the overheight exception for closed-roof double-decked buses.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 194.32 of the statutes is amended to read:

2           **194.32 Buses, restrictions.** No common motor carrier of passengers shall  
3 operate any passenger-carrying bus over any public highway of this state with any  
4 trailer or semitrailer attached except for an articulated bus as defined in s. 340.01  
5 (2m). Except for an articulated bus as defined in s. 340.01 (2m) which may be 65 feet  
6 in length, no interurban motor bus which exceeds 40 feet in length or 8 feet 6 inches  
7 in width or is of a double-decked open-roof design shall be operated upon the public  
8 highways under the authority of this chapter. As used in this section an interurban  
9 motor bus is deemed to be of a "double-decked open-roof design" when passengers  
10 are carried therein on an upper level throughout the length of the bus over  
11 passengers on a lower level throughout the length of the bus and the bus roof does  
12 not extend throughout the length of the bus.

13           **SECTION 2.** 348.01 (2) (at) of the statutes is created to read:

14           348.01 (2) (at) "Double-decked bus" means a motor bus designed to carry  
15 passengers on an upper level throughout the length of the bus over passengers on a  
16 lower level throughout the length of the bus and the roof of which extends throughout  
17 the length of the bus.

18           **SECTION 3.** 348.06 (1) of the statutes is amended to read:

**ASSEMBLY BILL 169**

1           348.06 (1) Except as provided in ~~sub.~~ subs. (2) and (2m), no person, without a  
2 permit therefor, may operate on a highway any motor vehicle, mobile home, trailer,  
3 or semitrailer having an overall height in excess of 13 1/2 feet.

4           **SECTION 4.** 348.06 (2m) of the statutes is created to read:

5           348.06 (2m) Double-decked buses having an overall height not exceeding 14

6 feet 5 inches may be operated without a permit for excessive height upon a highway

7 ~~that has a speed limit of 45 miles per hour or less if the vehicle operator has~~

8 ~~coordinated with the agency or officer in charge of maintenance of the highway on~~

9 ~~any highway of the vehicle's proposed route to ensure that there is adequate height~~

10 ~~clearance for the vehicle on all parts of the proposed route. The owner of any~~

11 ~~double-decked bus exceeding the height specified in sub. (1) is liable to the~~

12 ~~maintaining authority for any damage to any highway or overhead structure or~~

13 ~~device above the highway caused by the height of the double-decked bus, regardless~~

14 ~~of whether the double-decked bus is operated in compliance with this subsection.~~

15           **SECTION 5. Initial applicability.**

16           (1) This act first applies to motor vehicles operated on the effective date of this  
17 subsection.

18

(END)

insert  
3-6

**INSERT ANAL:**

(no P) , except a state trunk highway but including a connecting highway, if the vehicle operator has, prior to operating the vehicle, obtained approval of the vehicle's route from the officer in charge of maintenance of the highway on any highway of the vehicle's proposed route. This officer may not approve any route unless: the officer has ensured that there is at least ~~six~~ <sup>6</sup> inches of height clearance between the vehicle and any overhead structure or obstruction, including any utility line, on all parts of the route on highways under the officer's jurisdiction; and the vehicle operator has agreed to assume liability for any personal injury or property damage resulting from the vehicle's striking of any overhead structure or obstruction, including any utility line, regardless of whether the personal injury or property damage occurs on an approved route. ✓

**INSERT 3-6:**

(no P) , other than a state trunk highway, that has a speed limit of 45 miles per hour or less if the vehicle operator has, prior to operating the vehicle, obtained approval of the vehicle's route from the officer in charge of maintenance of the highway on any highway of the vehicle's proposed route. This officer may not approve any route unless all of the following apply:

(a) 1. The officer has ensured that there is at least 6 inches of height clearance between the vehicle and any overhead structure or obstruction, including any utility line, on all parts of the route on highways under the officer's jurisdiction. ✓

(b) 2. The vehicle operator has agreed to assume liability for any personal injury or property damage resulting from the vehicle's striking of any overhead structure or obstruction, including any utility line, regardless of whether the personal injury or property damage occurs on an approved route. ✓